

**Justice Delayed is Justice Denied: Delay in  
Trials as a Clog on the Wheels of Justice**

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# Introduction

- ▶ The most fundamental objective of any criminal trial is justice.
- ▶ To achieve this, criminal trials must be conducted in a manner in which decisions of the court are reached timeously
- ▶ In Nigeria, the delays experienced in the criminal justice chain manifests in the congestion of prisons. 51,541 Inmates out of the 75,635 inmates (68 percent) in various prisons in the country are awaiting trial.
- ▶ In recognition of the effects that delay in trial can cause to a person and the society at large, the constitution provides that criminal trials be done within a reasonable time. See section 36(4)CFRN 1999(as amended)
- ▶ To give full effect to the constitution and in order to promote the efficient management of the criminal justice system and ensure speedy trials, ACJA 2015 was enacted.

# Provisions of ACJA that Specifically Addresses Delays

- ▶ Abolishment of Stay of Proceedings. See S 302 and also S 396(2) ACJA on objections as to the validity of a charge /information
- ▶ Limitation on the Number of Adjournments . See section 396(2)(4)(5)(6) ACJA
- ▶ Supervision of Remand Proceedings. See sections S 292 and 293 ACJA
- ▶ Payment/ Protection of Witnesses. See Sections 251-253, and section 232(2)(3)(4) ACJA
- ▶ Proof of Evidence Made Essential . See sections 346(2) , 376(4), 382(2)ACJA

# Continuation

- ▶ A Judge/Magistrate Delivering the Judgment of Another. See sections 315 and 396(7)
- ▶ Limit to Trial -Within- Trial by Taking Confessional Statements in the Presence of a Legal Practitioner. Sections 15(4) ACJA and 17(1) ACJL River State
- ▶ Dispensing with the Presence of the Defendant. Sections 266 and 352(4)(5) ACJA
- ▶ Limitation as to Time for Commencement of Trial. Sections 110(3)(5)(6)

# Causes of Delay in the Administration of Criminal Justice in Nigeria

- ▶ Inadequate Court Facilities/Personnel:
- ▶ Paucity of Funds
- ▶ Poor Remuneration/Welfare Packages
- ▶ Lack of Will Power
- ▶ Transfer of Personnel
- ▶ Corrupt Practices

# Comparison with Other Jurisdictions

## RWANDA

- ▶ In Rwanda, the justice system was heavily destabilized by the genocide that killed hundreds of thousands of people. With support of international donors, Rwanda has progressively moved to ranking 1<sup>st</sup> in rule of law in sub Saharan Africa. What have they done differently in order to avoid delays in the administration of criminal justice?
- ▶ Creating of support court system to clear backlog of cases
- ▶ Construction of new courts and refurbishing dilapidated ones to meet necessary ICT standards.
- ▶ Delivering judgment within 30 days from close of hearing or 3days from hearing where the Defendant is in detention
- ▶ Judicial autonomy.

# Continuation

## THE NETHERLANDS

- ▶ A country with a very low Prison rate largely due to its population which is only about 17million people, as well as its mild and tolerant attitude towards societal and morally controversial issues such as drugs, prostitution and euthanasia. Their criminal justice sector however, ranks better than Nigeria in the following ways;
- ▶ Prosecution service issues instructions to the police to aid investigation
- ▶ The prosecution service has the power to dispose of certain matters and they guide the court properly as to sentencing
- ▶ Keeping a register of experts and of interpreters and translators
- ▶ Appointment of substitute Judges
- ▶ Decentralized policing
- ▶ Compensation for pre trial detention

# Conclusion and Recommendations

- ▶ It is obvious that despite the laudable innovations initiated by ACJA the criminal justice system in Nigeria has only been able to make little adjustment geared towards the speedy dispensation of justice
- ▶ However, courts must always try to create a balance between speedy justice and hasty justice, so that in a bid to avoid delayed justice, the speed employed does not end up crushing justice.
- ▶ To curb these delays, there must be conscious and progressive efforts from all stakeholders involved to ensure that all that is required of them to give full effect to the provisions of the law is done. Also, the following recommendations must be put into consideration;



# Recommendations

- Judicial autonomy
- Proper funding of other institutions/agencies involved in justice delivery;
- Trial within trial should be abolished.
- Register of experts and interpreters should be kept;
- Specialized courts should be created to try other offences like terrorism.
- Courts should leverage on ICT, especially in recording proceedings.
- ACJA monitoring committee should be fully funded to enable them to carry out their duties efficiently;
- Amendment of the ACJA
- Continuous training of stakeholders in the criminal justice system.